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AUG 10 2007

OFFICE OF PETITIONS

In re Application of :
Silverstone et al. : DECISION ON PETITION TO
Application Number: 09/551181 : WITHDRAW HOLDING OF
Filing Date: 04/17/2000 : ABANDONMENT
Attorney Docket Number: :
AND1P582 :

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT" filed on 26 March, 2007, which, in view of petitioners' statement that a response was timely filed, is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

A review of the record reveals that a non-final Office action was mailed on 9 January, 2006, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 28 August, 2006. On 14 September, 2006, a copy of an amendment and a petition for a three (3) month extension of time under 37 CFR 1.136(a), both bearing a certificate of mailing dated 10 July, 2006, were filed.

On 26 March, 2007, the present petition was filed. Petitioners assert that a timely and proper reply to the non-final Office action, including an amendment and a petition for a three (3) month extension of time, were timely filed. In support, petitioners have supplied, *inter alia*, a copy of a postcard showing receipt of an amendment and a petition for a three month extension of time in the office on 12 July, 2006.

A review of the official file reveals that on 12 July, 2006, the amendment, petition for extension of time, and an IDS each bearing a certificate of mailing dated 10 July, 2006, were filed.

A review of the papers filed with the petition reveals that the petition for extension of time filed on 12 July, 2006 (certificate of mailing 10 July, 2006) miscaptioned the application number as "09/550,583". Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

As such, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 3623 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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